

**CHAPTER 1071**  
**IN-HOME DETENTION**  
*H.F. 2407*

**AN ACT** relating to in-home detention.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 356.26, unnumbered paragraph 3, Code Supplement 1991, is amended to read as follows:

The district court may also grant by order to any person sentenced to held in a county jail the privilege of a sentence of in-home detention ~~where~~ if the county sheriff has certified to the court that the jail has an in-home detention program.

Approved April 13, 1992

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**CHAPTER 1072**  
**CUSTODY OF CERTAIN PERSONS — ABSENCE WITHOUT LEAVE**  
*H.F. 2436*

**AN ACT** relating to the detention of persons alleged to be seriously mentally impaired or to be chronic substance abusers.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 125.81, subsection 3, Code Supplement 1991, is amended to read as follows:

3. In a facility in the community which is suitably equipped and staffed for the purpose, provided that detention in a jail or other facility intended for confinement of those accused or convicted of a crime shall not be ordered, ~~except in cases of actual emergency if no other secure resource is accessible, and then only for a period of not more than twenty-four hours and under close supervision.~~

Sec. 2. Section 125.85, Code 1991, is amended by adding the following new subsection:

**NEW SUBSECTION. 5.** A person who is placed for evaluation at a facility under section 125.83 or who is committed to a facility under section 125.84, subsection 2, shall remain at that facility unless discharged or otherwise permitted to leave by the court or administrator of the facility. If a person placed at a facility or committed to a facility leaves the facility without permission or without having been discharged, the administrator may notify the sheriff of the person's absence and the sheriff shall take the person into custody and return the person promptly to the facility.

Sec. 3. Section 229.11, subsection 3, Code 1991, is amended to read as follows:

3. In a public or private facility in the community which is suitably equipped and staffed for the purpose, provided that detention in a jail or other facility intended for confinement of those accused or convicted of crime ~~may~~ shall not be ordered ~~except in cases of actual emergency when no other secure facility is accessible and then only for a period of not more than twenty-four hours and under close supervision.~~

Sec. 4. **NEW SECTION. 229.14A ESCAPE FROM CUSTODY.**

A person who is placed in a hospital or other suitable facility for evaluation under section 229.13 or who is required to remain hospitalized for treatment under section 229.14, subsection 2, shall remain at that hospital or facility unless discharged or otherwise permitted to leave by the court or the chief medical officer of the hospital or facility. If a person placed